

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Georgia Rochon	Team: Squad #2	CCRB Case #: 201903585	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 04/25/2019 6:10 PM	Location of Incident: [REDACTED]	Precinct: 102	18 Mo. SOL 10/25/2020	EO SOL 6/11/2021	
Date/Time CV Reported Fri, 04/26/2019 4:21 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/26/2019 4:21 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DT3 Luis Martinez	6148	945959	NARCBQS
3. SGT Matthew Lewis	04736	941054	NARCBQS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Steven Acevedo	4092	949959	NARCBQS
2. CPT Roderick Dantini	00000	906066	NARCBQS
3. LT Paul Muggeo	00000	944834	NARCBQS
4. DT3 Gregory Fortunato	3165	952743	NARCBQS
5. POM Edwin Montanez	20443	955530	NARCBQS
6. POM Kyle Contino	11980	955838	NARCBQS
7. SGT Michael Grasso	01677	938608	NARCBQS
8. DT3 Sekou Bourne	05941	924971	NARCBQS
9. DT3 Sean Carroll	3703	946831	NARCBQS
10. DT3 Warren Brown	04570	943030	NARCBQS
11. SGT Keith Burkitt	01556	903518	NARCBQS
12. DT3 Vincent Ferrante	06560	943229	NARCBQS
13. DT3 Michael Yu	6557	947625	NARCBQS
14. DT3 Alexander Taveras	4809	947952	NARCBQS
15. DT3 Michael Russo	3360	949593	NARCBQS
16. DT3 George Katris	01168	943427	NARCBQS
17. POM Kevin Ryan	14558	953355	NARCBQS
18. SGT Thomas Gagliardi	00996	930188	NARCBQS
19. SGT Brendan Meehan	03829	933012	NARCBQS
20. DT3 Novonil Chowdhury	2078	953755	NARCBQS
21. DT3 James Sgaglione	5742	952228	NARCBQS

<b>Witness Officer(s)</b>	<b>Shield No</b>	<b>Tax No</b>	<b>Cmd Name</b>
22. DT3 Timothy Terrillion	5858	952286	NARCBQS
23. DT3 Demetrios Kekatos	05743	940331	NARCBQS
24. SGT Lawrence Granshaw	01863	944609	NARCBQS
25. POM Philip Giardina	02006	956676	NARCBQS
26. DT3 Shawn Hayes	6093	947770	NARCBQS
27. DT3 Stephen Jones	00790	921880	NARCBQS

<b>Officer(s)</b>	<b>Allegation</b>	<b>Investigator Recommendation</b>
A.DT3 Luis Martinez	Abuse: Detective Luis Martinez entered each floor of § 87(2)(b) in Queens.	
B.DT3 Luis Martinez	Abuse: Detective Luis Martinez searched each floor of § 87(2)(b) in Queens.	
C. Officers	Abuse: Officers did not obtain medical treatment for § 87(2)(b)	
D. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
E.SGT Matthew Lewis	Abuse: Sergeant Matthew Lewis refused to show the search warrant to § 87(2)(b)	
F.DT3 Luis Martinez	Abuse: Detective Luis Martinez refused to show the search warrant to § 87(2)(b)	

## Case Summary

On April 26, 2019, § 87(2)(b) filed this complaint with the CCRB over the phone.

On April 25, 2019, at approximately 6:15 p.m., § 87(2)(b)'s mother, § 87(2)(b) arrived at her home, located at § 87(2)(b) in Queens, and observed a number of police officers outside her house. The officers had just finished executing a search warrant at the home, obtained by Detective Luis Martinez of Queens South Narcotics Bureau (**Allegation A—Abuse of Authority—Entry of Premises—§ 87(2)(g)** and **Allegation B—Abuse of Authority—Search of Premises—§ 87(2)(g)**), resulting in five arrests, including that of § 87(2)(b)'s son, § 87(2)(b) (Board Review 11). § 87(2)(b) called § 87(2)(b) and informed her that officers were at house, and that she was not feeling well. § 87(2)(b) drove to the scene with her son, § 87(2)(b).

Before § 87(2)(b) arrived at § 87(2)(b) informed a group of unidentified officers that she was dizzy and that she needed to sit down. She requested a chair repeatedly, and was not provided one. She then fell to the ground and became unconscious (**Allegation C—Abuse of Authority—Refusal to obtain medical attention—§ 87(2)(g)**). When she regained consciousness, she heard unidentified officers laughing at her and saying that she had faked it (**Allegation D—Discourtesy—Word—§ 87(2)(g)**). An officer on scene called EMS, and § 87(2)(b) was treated in the ambulance.

When § 87(2)(b) arrived on scene with § 87(2)(b) was inside the ambulance. § 87(2)(b) spoke with § 87(2)(b) inside the ambulance, then exited and asked Sergeant Matthew Lewis of Queens South Narcotics Bureau what was going on. Sergeant Lewis responded that they were “raiding the house,” and § 87(2)(b) asked him if he had a warrant or paperwork. Sergeant Lewis responded, “I don’t have to show you anything” and did not show § 87(2)(b) any paperwork (**Allegation E—Abuse of Authority—Refusal to show search warrant—§ 87(2)(g)**). § 87(2)(b) asked Detective Martinez if she could see paperwork regarding the search, and Detective Martinez responded that he did not have to show § 87(2)(b) anything. § 87(2)(b) was never shown a search warrant (**Allegation F—Abuse of Authority—Refusal to show search warrant—§ 87(2)(g)**).

No video footage has been obtained in the course of the investigation.

## Findings and Recommendations

**Allegation (A) – Abuse of Authority: Detective Luis Martinez entered each floor of § 87(2)(b) in Queens**

**Allegation (B) – Abuse of Authority: Detective Luis Martinez searched each floor of § 87(2)(b) in Queens.**

§ 87(2)(b) provided a telephone statement on May 1, 2019 (Board Review 05), as did § 87(2)(b) on May 2, 2019 (Board Review 06). § 87(2)(b) and § 87(2)(b) were interviewed at a McDonalds Restaurant located at § 87(2)(b) in Queens on May 6, 2019. § 87(2)(b) provided a follow-up telephone statement on May 14, 2019 (Board Review 07). § 87(2)(b)

§ 87(2)(b) provided a follow-up telephone statement on May 23, 2019. § 87(2)(b) provided a telephone statement on June 12, 2019 (Board Review 08). Detective Martinez was interviewed on June 7, 2019. Detective Michael Russo of Queens South Narcotics Bureau was interviewed on June 18, 2019. Sergeant Lewis was interviewed on June 25, 2019.

The investigation has determined that the officers' entry into and search of § 87(2)(b) in Queens on April 25, 2019 were in accordance with valid Queens County search warrant § 87(2)(b), which was signed by the Honorable § 87(2)(b) on § 87(2)(b) (Board Review 04). The search warrant lists Detective Martinez as the officer who applied for the warrant. § 87(2)(g)

**Allegation (C) – Abuse of Authority: Officers did not obtain medical treatment for § 87(2)(b)**

**Allegation (D) – Discourtesy: Officers spoke discourteously to § 87(2)(b)**

§ 87(2)(b) testified that, upon arriving at her home and observing numerous police officers, she asked an officer if she could enter her home. He told her to remain outside, and § 87(2)(b) proceeded to stand on the sidewalk by the gate to her house. She became dizzy, and held onto the fence to remain standing. She requested a chair approximately five times over the course of 90 minutes, and stated that she was dizzy and had recently had heart surgery. She directed these statements at a group of approximately six officers who were standing in front of her house. § 87(2)(b) initially provided descriptions for two officers in this group, but stated in her follow-up telephone statement that her vision began to fail when she felt dizzy, and thus could not definitively describe the officers in this group.

After approximately 90 minutes of standing at the fence, § 87(2)(b) fell to her knees and became unconscious. Upon regaining consciousness, § 87(2)(b) heard this group of officers saying that she had “faked it” and laughing at her. An ambulance arrived immediately, and § 87(2)(b) entered it. § 87(2)(b) did not know who called the ambulance. By the time § 87(2)(b) and § 87(2)(b) arrived, § 87(2)(b) was already in the ambulance.

According to the Search Warrant Tactical Plan (Board Review 04), approximately 30 officers were present for the execution of the search warrant, begun at 6:10 p.m. Event § 87(2)(b) (Board Review 09) shows that an ambulance was called at 6:35 p.m. by the NYPD in regarding an elderly female who was passed out. Radio transmissions, located in IA #108 (Board Review 10) and summarized in IA #109, show that the call for EMS was made over the radio by a Narcotics unit, although the person going over the radio did not identify himself by name. The Ambulance Call Report is consistent with NYPD documentation, and states that the EMS was called at 6:35 p.m., and arrived on-scene at 6:45 p.m. § 87(2)(b) was awake and sitting in a chair when the ambulance arrived.

Detective Martinez testified that, after clearing the house and supervising the handcuffing of the five civilians inside, Detective Martinez exited the house to remove his gear. He did not recall whether § 87(2)(b) had arrived at this point, but stated that he did not interact with any civilians other than the arrested individuals at this time. He then returned inside to supervise the search. While inside, Detective Martinez was informed that an ambulance had been called for § 87(2)(b)

but he did not at this point know why the ambulance had been called. After the search of the house concluded, Detective Martinez exited the home and approached the ambulance, where he spoke with § 87(2)(b) and § 87(2)(b). At no point did § 87(2)(b) inform Detective Martinez that she required medical attention, and at no point did Detective Martinez laugh at § 87(2)(b) or say that she was faking her need for medical attention. Detective Martinez did not witness any other officer do so, and was not aware of § 87(2)(b) requesting medical attention and not being provided it.

Sergeant Lewis also testified that he exited the residence after conducting the initial sweep of the house. He did not observe any civilians outside the house at this time. While back inside the residence, Sergeant Lewis observed § 87(2)(b) standing outside the house. He did not recall if § 87(2)(b) was holding onto a fence, or which officers were present with her. The next time Sergeant Lewis looked outside the window, he observed an ambulance pulling up to the scene. He was later informed that the ambulance had been called for § 87(2)(b). Sergeant Lewis did not know who had called the ambulance. Sergeant Lewis exited the house as the search was concluding, and spoke to § 87(2)(b) and § 87(2)(b). At no point did § 87(2)(b) inform Sergeant Lewis that she required medical attention. At no point did Sergeant Lewis state that § 87(2)(b) was faking it, and he was not aware of another officer doing so.

Detective Russo was not aware of any civilian requiring medical attention on-scene, did not interact with any civilian on-scene and left the scene before the search was completed because he worked out of a different module than Detective Martinez and Sergeant Lewis.

§ 87(2)(g)

**Allegation (E) – Abuse of Authority: Sergeant Matthew Lewis refused to show the search warrant to § 87(2)(b)**

**Allegation (F) – Abuse of Authority: Detective Luis Martinez refused to show the search warrant to § 87(2)(b)**

§ 87(2)(b) testified that, upon arriving on the scene with § 87(2)(b) she entered the ambulance and spoke with her mother while § 87(2)(b) remained in her vehicle. She then exited the ambulance and approached a group of officers standing on the sidewalk in front of the house, where she identified herself as § 87(2)(b)'s daughter, then asked Sergeant Lewis what was going on. Sergeant Lewis responded that they were “raiding the house.” § 87(2)(b) asked if he had a warrant or paperwork to show that they had permission to do so, and Sergeant Lewis responded, “I don’t have to show you anything.” § 87(2)(b) informed Sergeant Lewis that she believed he was required by law to show her the proper paperwork, and asked to enter the house. Sergeant Lewis told her she was not permitted to enter the house at this time.

§ 87(2)(b) returned to stand outside the ambulance, where she interacted with Sergeant Lewis a second time, during which they discussed the tenants of the house. § 87(2)(b) was then approached by Detective Martinez. Detective Martinez asked § 87(2)(b) who she was, and § 87(2)(b) stated that she was § 87(2)(b)'s daughter. Detective Martinez asked if § 87(2)(b) was going to be alright. § 87(2)(b) asked Detective Martinez if she could see paperwork regarding the search, and Detective Martinez informed her that he did not have to show her anything. Soon after, the officers left and § 87(2)(b) and § 87(2)(b) entered the house.

Once § 87(2)(b) entered the ambulance, which occurred before § 87(2)(b) arrived on-scene, she did not observe any activity outside the ambulance, and no police officers entered the ambulance.

§ 87(2)(b) testified that he remained inside his vehicle with the windows up for approximately 15 minutes. He observed his mother speaking with officers during this time. He was summoned to the ambulance, where he checked on his grandmother. While in the ambulance, § 87(2)(b) heard § 87(2)(b) ask Detective Martinez if she could see paperwork. § 87(2)(b) recalled Detective Martinez explaining to § 87(2)(b) where she could get paperwork.

Sergeant Lewis testified that, after exiting the home a second time, he spoke with § 87(2)(b) and § 87(2)(b) about the house's tenants. During his interview, Sergeant Lewis first testified that § 87(2)(b) believed that § 87(2)(b) asked him or another officer to see a search warrant, and that it was shown to her. He then stated that § 87(2)(b) did not ask him to see a copy of the search warrant and that he did not show § 87(2)(b) a copy of the search warrant, and that he had just been speculating. Sergeant Lewis did not witness § 87(2)(b) ask any other officer to see paperwork. Sergeant Lewis went on to say that, had § 87(2)(b) asked to see a copy of the search warrant, he would have asked Detective Martinez to show it to her, because Detective Martinez was the only officer on-scene with a copy of the search warrant.

Detective Martinez recalled interacting with § 87(2)(b) and § 87(2)(b) after concluding the search of the house. He recalled also that § 87(2)(b) was present, but stated that § 87(2)(b) never asked if she could see paperwork regarding the search. Detective Martinez did not observe § 87(2)(b) interacting with any other officers, and was not made aware that § 87(2)(b) had asked any other officer to see a copy of the search warrant. Detective Martinez confirmed that he was only officer on scene with a copy of the search warrant, and that he only showed the warrant to the five arrested individuals, because the procedure is to show the search warrant to everyone who is arrested or who is inside the house at the time of the entry.

Detective Russo did not interact with any civilians on-scene and did not observe any civilians interacting with other officers.

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]
- Detective Martinez has been a member-of-service for 11 years and has been a subject in ten additional CCRB complaints and 18 allegations, none of which have been substantiated.
- Sergeant Lewis has been a member-of-service for 13 years and has been a subject in 26 additional CCRB complaints and 66 allegations, seven of which were substantiated in two cases.
  - Case 201202903 involved substantiated allegations of a frisk, a search and a vehicle search. Sergeant Lewis was found guilty of the search and the vehicle search and not guilty of the frisk, and forfeited a total of four vacation days.
  - Case 201401420 involved substantiated allegations of force, threat of force and discourtesy. Sergeant Lewis was found guilty of the force allegation in an APU Trial, and lost 15 vacation days. He was found not guilty of the threat of force and discourtesy allegations.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] declined to mediate this complaint.
- On August 19, 2019, a request for any Notice of Claim filed by § 87(2)(b) [REDACTED] or § 87(2)(b) [REDACTED] in regard to the incident was submitted to the New York City Comptroller. Any response will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (Board Review 04).
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date